

Remarks

This Response is responsive to the non-final Office Action mailed March 21, 2007. Claims 1-3, 7, and 8 are pending. Claims 4-6 have been cancelled. Claim 1 has been amended. In view of the following remarks, as well as the foregoing amendments, Applicants respectfully submits that this application is in complete condition for allowance and request reconsideration of the application in this regard.

Claim Rejections

Claims 1 and 4-8

Claims 1 and 4-8 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Pat. No. 6,158,869 to Barnes in view of DE 20302250 to Moser. Claims 4-6 have been cancelled. Claim 1 represents the sole independent claim subject to the rejection. Applicants respectfully disagree with the rejection.

The Examiner admits on page 3 of the Office Action that the combination of Barnes and Moser fails to disclose a unitary integrally molded assembly, as set forth in original dependent claim 6. Applicants claim 1 has been amended to add the subject matter of dependent claim 6, now cancelled, and now sets forth “said speaker grille and said electroluminescent lamp comprise a unitary molded assembly.”

According to MPEP § 2143.03, all the claim limitations must be taught or suggested by the prior art to support a *prima facie* case of obviousness. All words in a claim must be considered in judging the patentability of that claim against the prior art. *Id.* Claim 1 expressly requires that the speaker grille and electroluminescent lamp comprise a unitary molded assembly, which represents a meaningful claim limitation that the combination of Barnes and Moser admittedly fails to disclose or suggest. The Examiner cannot properly ignore this meaningful claim limitation now found in amended claim 1. For at least this reason, Applicants request that the rejection of claim 1 be withdrawn.

The Examiner states on page 3 of the Office Action that “The method of forming a device is not germane to the issue of patentability of the device itself.” However, claim 1 does not set forth any process steps for forming the unitary molded assembly. Instead, claim 1 sets forth a structural limitation of a unitary molded assembly.

Barnes discloses a light emitting diode 18 attached to a grille 16. Moser discloses constructing the diaphragm of a speaker with a pigment layer 5 that emits light when powered. However, Moser fails to supply a suggestion or teaching that would have motivated a person having ordinary skill in the art to modify the speaker grille of Barnes with a light-emitting pigment layer. A speaker diaphragm conveniently presents an unperforated continuous surface to which a pigment layer can be readily applied. In contrast, a speaker grille is perforated, which would create discontinuities in any pigment layer applied to it. The Examiner has not offered any objective proof that a person having ordinary skill in the art would make this substitution. Moser also fails to supply any reasoning as to why a person having ordinary skill in the art would modify a speaker grille to include not only the pigment layer 5 but also the additional structure, i.e., a surface capacitor 3, a transparent cover 6, etc. shown in Moser. A person having ordinary skill in the art would not have substituted the pigment layer 5, which occupies a large surface area covering the entire speaker diaphragm, for the compact light emitting diode 18 of Moser. According to MPEP § 2143.01, the prior art must suggest the desirability of the claimed invention to support a *prima facie* case of obviousness. For at least this additional reason, Applicants request that the rejection of claim 1 be withdrawn.

Because claims 7 and 8 depend from independent claim 1, Applicants submit these claims are also patentable for at least the same reasons discussed above. Furthermore, these claims recite unique combinations of elements not taught, disclosed or suggested by the combination of Barnes and Moser.

Claims 2 and 3

Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Barnes and Moser further in view of U.S. Publication No. 2003/0048912 to Reich. Reich fails to remedy the deficiencies of Barnes and Moser. Because claims 2 and 3 depend from independent claim 1, Applicants submit that these claims are also patentable for at least the same reasons discussed above. Furthermore, these claims each recite a unique combination of elements not disclosed or suggested by the combined disclosures of Barnes, Moser, and Reich.

Conclusion

Applicants have made a bona fide effort to respond to each and every requirement set forth in the Office Action. In view of the foregoing remarks, this application is submitted to be in complete condition for allowance and, accordingly, a timely notice of allowance to this effect is earnestly solicited. In the event that any issues remain outstanding, the Examiner is invited to contact the undersigned to expedite issuance of this application.

Applicants do not believe fees are due in connection with filing this communication. If, however, any fees are necessary as a result of this communication, the Commissioner is hereby authorized to charge any under-payment or fees associated with this communication or credit any over-payment to Deposit Account No. 23-3000.

Respectfully submitted,

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Date

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